

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
GANTZ et al.

Application No.: 10/518,811

Confirmation No.: 3607

Filed: July 11, 2005

Art Unit: 3766

For: Cochlear Implant Electrode Array

Examiner: CHU, Michael A.

PAPER ACCOMPANYING REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. Further to the Reply Brief filed November 24, 2009, Appellants submit this paper to make of record telephone conversations between Appellants' Representative and Deputy Chief Appeals Administrator Krista Zele of the USPTO on November 20, 2009 and November 23, 2009. Based on these telephone conversations, Appellants understand that the Board's order mailed May 4, 2009 returning undocketed Appellants' appeal should not have been issued. Additionally, based on the above-noted conversation, Appellants understand that the Amended Appeal Brief submitted May 14, 2009 will not be rejected by the Board of Patent Appeals and Interferences (the "Board") over the "Grounds of Rejection to be Reviewed on Appeal" section of Appellants' Amended Appeal Brief.

2. Appellants believe no fee is due with this response. However, if a fee is due, please charge our **Deposit Account No. 22-0185**, under **Order No. 22409-00113-US** from which the undersigned is authorized to draw.

Dated: November 24, 2009

Respectfully submitted,

Electronic signature: /Michael G. Verga/
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